

REMARKS

STATUS OF THE CLAIMS

Claims 1-86 are pending in the present application. Claim 1 has been amended. Claims 69-76 and 82-86 are canceled. New claims 87-90 are added. Claims 1-50, 77-81, and 87-89 will be pending and at issue.

SUPPORT FOR AMENDMENT TO THE CLAIMS

Claim 1 has been amended to recite: “contacting a carrier protein domain that comprises a polyketide (PK) synthase carrier protein domain, a non-ribosomal peptide (NRP) synthase carrier protein domain, or a fatty acid (FA) synthase carrier protein domain with the protein of interest to form a carrier protein (CP) domain -protein of interest (POI) complex.” Support for the amendment can be found throughout the specification, at least at, e.g., original claims 4 and 8, and page 5, lines 2-4 (“In a further detailed aspect, the carrier protein domain is a polyketide (PK) synthase carrier protein domain, a non-ribosomal peptide (NRP) synthase carrier protein domain, or a fatty acid (FA) synthase carrier protein domain.”).

New claims 87-89 have been added. Support for claim 87 can be found throughout the specification, at least at, e.g., original claim 15 and page 6, lines 16-17 (“In a detailed aspect, the labeled coenzyme-CP domain-POI complex further comprises coenzyme A (CoA) or a derivative thereof”). Support for claim 88 can be found throughout the specification, at least at, e.g., page 15, lines 2-5 (“A 4'-phosphopantetheinyl transferase (PPTase) serves to transfer 4'-phosphopantetheine from coenzyme A to a conserved serine within the carrier protein as given by the natural conversion of apo-carrier protein to holo-carrier protein. This process arises through the formation of an enzyme-coenzyme complex.”); and original claims 1 and 15. Support for claim 89 can be found throughout the specification, at least at, e.g., page 19, lines 12-34 (“Coenzyme A (CoA) can be selectively tagged with a synthetic appendage label at the free thiol through reactivity with soft electrophiles....These synthetic appendage labels can include, but not limited to, fluorescent or colored dyes....These reporters are covalently attached to the soft electrophile through a flexible or rigid linker.”).

Thus, no new matter is being added.

RESTRICTION REQUIREMENT

The Examiner stated that restriction is required under 35 U.S.C. §§ 121 and 371. The Examiner stated:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Office Action at 2.

The Examiner required election of a single invention to which the claims must be restricted. The list of 203 groups of inventions is found at pages 2-15 of the Office Action.

In addition, the Examiner required the election of a species of the generic invention. The Examiner stated:

These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1

Office Action at 17. The list of species is shown on page 17 of the Office Action.

The Examiner also stated that claim 1 links inventions 1-161, and claim 51 links inventions 162-203. The Examiner stated:

The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s). Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104. Claims that require all the limitations of an allowable linking claim will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier.

Office Action at 16. In addition, the Examiner noted that claims 1, 10, 21, 35 and 62 are generic.

Applicant notes the Examiner's statement that claim 1 links the claims in groups 1-161, and claim 51 links the claims in groups 162-203. Under MPEP 1893.03(d), a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature.

Applicant respectfully traverses the Examiner's requirement of restriction with regards to Groups 1-161. MPEP 1850(II) states: "Whether or not any particular technical feature makes a 'contribution' over the prior art, and therefore constitutes a 'special technical feature,' should be considered with respect to novelty and inventive step." As amended, claim 1 recites: "contacting a carrier protein domain that comprises a polyketide (PK) synthase carrier protein domain, a non-ribosomal peptide (NRP) synthase carrier protein domain, or a fatty acid (FA) synthase carrier protein domain with the protein of interest to form a carrier protein (CP) domain -protein of interest (POI) complex..." Applicant submits that claim 1 recites a special technical feature that makes a contribution over the prior art.

In response to the Office Action, Applicant elects Group 16 (claims 1-7, 13-15, and 77-79), with traverse. Group 16 includes the non-ribosomal peptide synthase (NRP).

Applicant further elects the following species:

- A) Applicant elects the NRP synthase.
- B) Applicant elects peptidyl carrier protein (PCP) activity.
- C) Applicant elects a derivative of coenzyme A.

Claims 1-4, 6, 8-50, 77-81 and 87-89 read on the elected species.

Applicant reserves the right to file subsequent applications claiming canceled or withdrawn subject matter. In addition, the claim cancellations or withdrawals should not be construed as abandonment or agreement with the Examiner's position in the Office Action.

CONCLUSION

Consideration of the claims is respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this response, the Examiner is invited to telephone Applicants' representative at (206) 389-4596.

Respectfully Submitted,

Dated: January 18, 2011 By: /Andrew T. Serafini/
Andrew T. Serafini
Registration No. 41,303
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone (206) 389-4596
Fax (650) 938-5200